

Applicants : Stewart Shuman and JoAnn Sekiguchi
Serial No. : 10/666,486
Filed : September 19, 2003
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Office Action

REMARKS

Claims 45, 79-95, and 98-100 are pending in the above-identified application. Applicants have not canceled, amended or added any claims.

Double Patenting Rejection

In the March 14, 2009 Final Office Action the Examiner rejected claims 45, 79-95, and 98-100 under the doctrine of obviousness-type double patenting over claims 1-17 of U.S. Patent No. 6,653,106.

In response, applicants respectfully traverse the Examiner's rejection. However, in order to expedite prosecution, and without conceding the correctness of the Examiner's rejection, applicants attach hereto as **Exhibit A** a Terminal Disclaimer signed by an authorized representative of Sloan-Kettering Institute for Cancer Research, the assignee of record of both the subject application and U.S. Patent No. 6,653,106. In accordance with 37 C.F.R. §1.321(b), the Terminal Disclaimer submitted herewith as Exhibit A specifies the portion of the term of the patent being disclaimed, states the present extent of the assignee's ownership interest in the patent to be granted, and is accompanied by the ONE HUNDRED AND FORTY DOLLAR (\$140.00) fee set forth in 37 C.F.R. §1.20(d). Accordingly, applicants maintain that the Terminal Disclaimer submitted herewith complies with the requirements of 37 C.F.R. §1.321(b), and respectfully request that the Examiner withdraw this ground of rejection.

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Telephone Conference With Examiner

During a June 9, 2009 telephone conference between Examiner Bhat, assigned to the subject application, and Brian Amos of the undersigned's office, Examiner Bhat confirmed that the only rejection in the April 14, 2009 Final Office Action was the obviousness-type double-patenting rejection over claims 1-17 of U.S. Patent No. 6,653,106. Examiner Bhat specifically noted that there was no separate rejection of the pending claims under 35 U.S.C. §103.

Summary

Based on the submission of the enclosed Terminal Disclaimer, applicants understand that this application is in condition for allowance and earnestly solicit the issuance of a notice of allowance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee, other than the enclosed \$140.00 fee for filing a Terminal Disclaimer, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such additional fee to Deposit Account No. 03-3125.

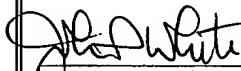
Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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 7/13/09
John P. White Date
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